

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER 565

CASE NO. 87-6

(C-M Zones in Ward 6 - Map Amendment)

February 8, 1988

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on October 15, 1987. At that hearing session, the Zoning Commission considered proposed amendments to the Zoning Map of the District of Columbia. The public hearing was conducted in accordance with the provisions of Section 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning.

The Land Use Element of the Comprehensive Plan became effective in March, 1985. D.C. Code Section 5-413 requires that the Zoning Regulations not be inconsistent with the Comprehensive Plan.

On March 8, 1987, at its regular monthly meeting, the Zoning Commission ("Commission"), initiated action to consider amendments to the Zoning Map of the District of Columbia. The Commission requested the Office of Planning ("OP"), to research those industrially-zoned areas of Ward Six that were identified as containing development that was inconsistent with existing zoning.

By memorandum dated April 9, 1987, OP submitted a status report of its findings. Five target areas of C-M-1 zoned land were identified for rezoning. The target areas are in and abutting the Ward Six boundary and are almost entirely developed residentially or with some other less intensive nonindustrial uses were located. OP also identified zone boundary anomalies, including split-zoned lots that are mapped with both the C-M-1 and "R" zone districts.

The R-4 District permits matter-of-right development of residential uses (including detached, semi-detached and row single-family dwellings, and flats) with a minimum lot area of 1,800 square feet, a minimum lot width of eighteen feet, a maximum lot occupancy of sixty percent, and a maximum height limited of three stories/forty feet. Conversions of existing buildings to apartments are permitted for lots with a minimum lot area of 900 square feet per dwelling unit.

The R-5-B District permits matter-of-right development of general residential uses including single-family dwellings, flats, and apartments to a maximum lot occupancy of sixty percent, a maximum floor area ratio (FAR) of 1.8 and a maximum height of sixty feet.

The C-2-A District permits matter-of-right: low density development, including office, retail, and all kinds of residential uses, to a maximum FAR of 2.5 with non-residential uses limited to 1.5 FAR, and a maximum height of sixty feet,, and a maximum lot occupancy of sixty percent for residential uses.

The C-3-A District permits matter-of-right development for major retail and office uses to a maximum height of sixty-five feet, a maximum FAR of 4.0 for residential and 2.5 for other permitted uses, and a maximum lot occupancy of seventy-five percent for residential uses,

The C-M-1 District permits development of low bulk commercial and light manufacturing uses to a maximum FAR of 3.0, and a maximum height of three stories/forty feet, with very limited exceptions, and prohibits new residential uses.

The Generalized Land Use Map of the Land Use Element of the Comprehensive Plan for the National Capital.. shows the subject sites to be Located in an area designated as appropriate for moderate density residential use.

The only two means to allow new residential uses at the sites under consideration would be to amend the Zoning Map, or to repeal or substantially modify the ban on new residential uses in C-M-1 zones. With respect to the particular sites, amendments of the Zoning Map to conform with the prevalent land use patterns is reasonable.

The notice of public hearing, which was published in the District of Columbia Register on September 4, 1987, includes the following rezoning proposal that affects the five target areas of C-M-1 zoned properties included herein,

A. TARGET AREA #1 = SQUARES 4068 & 1026

1. Change from C-M-1 to C-2-A that portion of Square 4068 that is zoned C-M-1 and is bounded by Staples and Morse Streets, and Florida and Trinidad Avenues, N.E., and shall include but not be limited to the following:

Lots 108 thru 111, 116, 120, 121, 144
thru 147, 828, 830, and 831.

2. Change from C-M-1 to R-5-B that portion of Square 1026 that is zoned C-M-1 and is

bounded by 13th, 14th, H and I Streets, and Florida Avenue, N.E., and shall include but not be limited to the following:

Lots 129 thru 134, 140 thru 145, and 162 thru 164,

3. Change from C-M-1 to C-3-A that portion of Lot 836 in Square 1026 that is presently zoned C-M-1.

B. TARGET AREA #2 = SQUARE 4507

Change from C-M-1 to R-5-B that portion of Square 4507 that is zoned C-M-1 and is bounded by 17th, 18th and H Streets, and Benning Road, N.E., and shall include but not be limited to the following:

Lots 127 thru 132, 138 thru 142, and 165 thru 170.

C. TARGET AREA #3 = SQUARES 4509, 4541, 4543 & 4544

1. Change from C-M-1 to R-4 that portion of Square 4509 that is zoned C-M-1 and is bounded by 15th, 16th and Gales Streets, and Benning Road, N.E., and shall include but not be limited to the following:

Lots 84 thru 87, 96 thru 107, 111, 112, 145 thru 149, 152, 810, and 820.

2. Change from C-M-1 to R-4 that portion of Square 4541 that is zoned C-M-1 and is located on the south side of Gales Street between 15th and 16th Streets, N.E., and shall include but not be limited to the following:

Lots 43, 44, 49 thru 62, 107 thru 110, 113 thru 115, and 808.

3. Change from C-M-1 to R-4 that portion of Square 4543 that is zoned C-M-1 and is located on the north side of F Street, between 15th and 16th Streets, N.E., and shall include but not be limited to the following:

Lots 9, 143 thru 145, 830 thru 832, 841, 844, and 846,

- 4, Change from C-M-1 to R-4 that portion of Square 4544 that is zoned C-M-1 and is bounded by 15th, 16th, F and D Streets, N.E., and shall include but not be limited to the following:

Lots 57 thru 71, 807, and 174,

- 5, Change from C-M-1 to R-5-B that portion of Lot 179 in Square 4544 that is presently zoned C-M-1.

D. TARGET AREA #4 - SQUARES 1042 & 1043

1. Change from C-M-1 to C-2-A that portion of Square 1042 that is zoned C-M-1 and is bounded by 14th, D and E Streets, and a public alley that connects D and E Streets, S.E., and shall include but not be limited to the following:

Lots 62 thru 65, 815, 823, and 825.

2. Change from C-M-1 to R-4 that portion of Square 1043 that is zoned C-M-1 and is bounded by 14th, G and E Streets, and a public alley that connects G and E Streets, S.E., and shall include but not be limited to the following:

Lots 80 thru 84, 136, 138 and 853, and parts of Lots 41, 57, 58, 85, 92, 93, 98, 148, 150 thru 154, 821, 836, 837, 840, 841, 852, 857, 860, and 861,

- 3, Change from C-M-1 to R-4 Lots 129 thru 134 in Square 1043 located on the south side of E Street, and contiguous to and immediately west of the public alley that connects G and E Streets, S.E.

E. TARGET AREA #5 = SQUARE 5559

1. Change from C-M-1 to C-2-A that portion of Square 5559 that is zoned C-M-1 and is bounded by Prout and Nicholson Streets, and Fairlawn Avenue, S.E., and shall include but not be limited to the following:

Lots 34 and 35.

2. Change from C-M-1 to R-5-B that portion of Square 5559 that is zoned C-M-1 and is bounded by Prout and Nicholson Streets, and

Fairlawn Avenue, S.E., and shall include but not be limited to the following:

Lots 26 thru 28, and 801.

The District of Columbia Office of Planning (OP), by memorandum dated September 3, 1987, and by testimony and a slide presentation presented at the public hearing, supported the aforementioned proposed map amendments. OP testified that several industrially zoned areas of Ward Six were identified as containing development that was not inconsistent with existing zoning. OP identified the existing land uses in the five areas of C-M zoned properties and made recommendations in terms of zoning changes,

ANC - 5B, by letter dated October 5, 1987, supports the proposed changes in the zoning classification of Squares 4068 and 1026 from C-M-1 to C-2-A and Square 4507 from C-M-1 to R-5-B, pursuant to Comprehensive Plan for the National Capital. It believes that the proposed changes will protect the residential character and integrity of the neighborhood.

ANC - 6A, by letter dated October 9, 1987, stated that the constituents that attended its community meeting held on September 23, 1987 were not in opposition of the proposal. However, ANC-6A requested that a moratorium be placed on any more properties of C-M-1 or C-M-2.

ANC - 6B, by resolution dated October 15, 1987, endorses the portion of the proposal identified as 'Target Area 44 as initiated in the proposal to down zone from C-M-1 to C-2-A those Lots in Square 1042, and to down zone from C-M-1 to R-4 those lots in Square 1043 so as to be in accord with the Comprehensive Plan of the National Capital.

ANC - 6C, by resolution dated October 15, 1987, supports the Office of Planning proposal to down zone portions of the industrial area. In addition, testimony was presented in behalf of the ANC which outlined proposed modifications to certain aspects of the OP initiative.

The Citizens Planning Coalition, by resolution dated October 15, 1987, endorsed the ANC 6C proposal and requested the Zoning Commission to expeditiously adopt the proposal,

The Commission also heard testimony and received letters from property owners, as well as persons that represented the business community in opposition to the proposal. For the following reasons:

- 1, Many individuals who were interested in altering or expanding their present use would not be allowed to do so under the proposed rezoning and

therefore would have to appear before the Board of Zoning Adjustment, or relocate their businesses; and/or

2. Many individuals who purchased their properties as investment properties felt that they would not profit from their investment if the properties are rezoned.

Before the conclusion of the public bearing, the Zoning Commission requested OP supplement the record with additional information. The Zoning Commission requested the Office of Planning to further research the Following areas:

1. Square 4068;
2. The Columbia Iron Work Site;
3. Sousa Bridge/Southeast Freeway Rights-of-Way;
4. Possible easement between Lots 818 and 819, Square 1043;
5. City-owned portions of Square 1043;
6. Apartment houses on F Street (Square 4543);
7. Identify the significant nonconforming structures which would be created if the map amendment proposed by OP were approved;
8. Submit photographs additional of Square 1043; and
9. Meet with persons who testified at the public hearing to elaborate on the proposal.

The Office of Planning, by memorandum dated November 13, 1987, reported the above requests to the Zoning Commission.

The Zoning Commission concurs with the position of the Office of Planning as revised, in its memorandum of November 13, 1987, and concurs with the objectives of ANCs 5B, 6A, 6B, and 6C.

The Zoning Commission deferred OP's proposal to rezone the Columbian Iron Works site (Square 5564, lots 42, 43, and 44) because it was not advertised in the notice of public hearing.

A notice of proposed rulemaking was published in the District of Columbia Register on January 1, 1988, (35 DCR 41). Other than the following letter, no additional comments were received as a result of the publication of the notice of proposed rulemaking.

By letter dated February 5, 1988, the law firm of Linowes and Blocher, on behalf of Mr. Nelson A. Pryor, owner of Lots 126 and 127 in Square 1043, submitted a letter which urged the Commission to reverse its proposed decision to rezone the above mentioned lots from C-M-1 to R-4.

Subsequent to discussion, the Commission ruled to defer final action on lots 126 and 127 in Square 1043 to a later date.

The Zoning Commission believes that the proposed amendments to the Zoning Map of the District of Columbia are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

The proposed action of the Zoning Commission to rezone various existing industrial zoned properties was referred to the National Capital Planning Commission (NCPC), pursuant to the District of Columbia Self-Government and Governmental Reorganization Act. NCPC, by report dated January 6, 1988, found that the proposed amendments would not adversely affect the Federal Establishment or other Federal interest in the National Capital nor be inconsistent with the Comprehensive Plan for the National Capital.

The submission by Advisory Neighborhood Commission 6A did not satisfy the Zoning Commission's procedural requirements for an ANC to be accorded the "great weight" to which it would be entitled. The Zoning Commission notes that the special statutory role of ANCs also entails specific procedural responsibilities. The Zoning Commission is, therefore, of the view that the "great weight" requirement does not apply to the submission of ANC 6A. Nonetheless, the Zoning Commission has considered the submission of ANC-6A in its decision,

The Commission believes that, in its decision, it has accorded Advisory Neighborhood Commissions 5B, 6B, and 6C the "great weight" to which they are entitled.

En consideration of the reasons set forth herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of the following amendments to the Zoning Map of the District of Columbia:

A, CHANGE FROM C-M-1 to R-4

SQUARE 1043 -

1. that portion of the square that is zoned C-M-1 and is bounded by 14th, G and E Streets, and a public alley that connects G and E Streets, S.E., specifically the following:

Lots 80 thru 84, 136, and 138, and parts of
lots 41, 57, 58, 85, 92, 93, 98, 148, 150
thru 3.54, 821, 836, 837, 840, 841, 852, 857,
860, and 861; and

2. that portion of the square that is located on the south side of E Street, is contiguous to and immediately west of the public alley that connects G and E Streets, S.E., specifically the following:

Lots 129 thru 134

B. CHANGE FROM C-M-1 to R-5-B

1. SQUARE 1026 - that portion of the square that is zoned C-M-1 and is bounded by 13th, 14th, H and I Streets, and Florida Avenue, N.E., specifically the following:

Lots 129 thru 134, 140 thru 145, and 162 thru 164.

2. SQUARE 4507 - that portion of the square that is zoned C-M-1 and is bounded by 17th, 18th and H Streets, and Benning Road, N.E., specifically the following:

Lots 127 thru 132, 138 thru 142, and 165 thru 170.

3. SQUARE 4509 - that portion of the square that is zoned C-M-1 and is bounded by 15th, 16th and Gales Streets, and Benning Road, N.E., specifically the following:

Lots 84 thru 87, 96 thru 107, 112, 145
thru 149, 152, 810, and 820.

4. SQUARE 4541 - that portion of the square that is zoned C-M-1 and is located on the south side of Gales Street between 15th and 16th Streets, N.E., specifically the following:

Lots 43, 44, 49 thru 62, 107 thru 110, 113
thru 115, and 808.

5. SQUARE 4543 - that portion of the square that is zoned C-M-1 and is located on the north side of F Street between 15th and 16th Streets, N.E., specifically the following:

Lots 9, 143 thru 145, 830 thru 832, 841, 844,

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and 846.

6. SQUARE 4544 - that portion of the square that is zoned C-M-1 and is bounded by 15th, 16th, F and D Streets, N.E., specifically the following:

Lots 57 thru 71, 807 and 174, and a portion of lot 179,

7. SQUARE 5559 - that portion of the square that is zoned C-M-1 and is bounded by Prout and Nicholson Streets, a public alley, and Fairlawn Avenue, S.E., specifically the following:

Lots 26 thru 28, and 801.

C. CHANGE FROM C-M-1 to C-2-A

1. SQUARE 1042 - that portion of the square that is zoned C-M-1 and is bounded by 14th, D and E Streets, and a public alley that connects D and E Streets, S.E., specifically the following:

Lots 62 thru 65, 815, 823, and 825

2. SQUARE 4068 - that portion of the square that is zoned C-M-1 and is bounded by Orren and Morse Streets, and Florida and Trinidad Avenues, N.E., specifically the following:

Lots 108 thru 111, and 828.

SQUARE 5559 - that portion of the square that is zoned C-M-1 and is bounded by Prout and Nicholson Streets, Pennsylvania and Fairlawn Avenues, S.E., specifically the following:

Lots 34 and 35.

D. CHANGE FROM C-M-1 TO C-3-A

SQUARE 1026 - that portion of lot 836 that is presently zoned C-M-1.

Vote of the Zoning Commission taken at the public meeting of December 14, 1987: 5-0 (Patricia N. Mathews, Maybelle T. Bennett, Lindsley Williams, John G. Parsons, and George M. White, to approve rezoning.

This order was adopted by the Zoning Commission at its regular public meeting on February 8, 1988, by a vote of

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5-0: (Patricia N. Mathews, John G. Parsons, Maybelle T. Bennett, Lindsley Williams, George M. White), to adopt as amended.)

In accordance with provisions of Section 3028 of the Zoning Regulations, this order is final and effective upon publication in the D.C. Register, that is on 13 MAY 1988



LINDSLEY WILLIAMS
Chairperson
Zoning Commission



EDWARD L. CURRY
Executive Director
Zoning Secretariat

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